



# Department of Environmental Quality

*To protect, conserve and enhance the quality of Wyoming's  
environment for the benefit of current and future generations.*



Matthew H. Mead, Governor

Todd Parfitt, Director

May 14, 2014  
Certified #7012 2920 0002 3700 9855  
Return Receipt Requested

Mr. Steve Sondergard  
Refinery Manager  
Sinclair Wyoming Refining Co. (40.025)  
P.O. Box 277  
Sinclair, WY 82334

**RE: Issuance of Notice of Violation (NOV) 5411-14 to Replace Withdrawn NOV 5222-13**

Enclosed is a Notice of Violation (NOV) issued to your facility for violation(s) of the Wyoming Hazardous Waste Rules and Regulations (HWRR) and Wyoming Solid Waste Rules and Regulations (SWRR). A previous NOV 5222-13 is withdrawn and replaced with this current NOV to more accurately cite regulations and conditions associated with the violations observed by the Wyoming Department of Environmental Quality (DEQ)/Solid and Hazardous Waste Division (SHWD).

During a meeting with SHWD on March 27, 2014, Sinclair stated SHWD did not have evidence to allege or imply Sinclair's intent to dispose of hazardous waste in the industrial waste landfill (IWL)#2. Placement of such wastes in the IWL may have constituted a release and/or temporary misplacement of wastes on the part of a regulated hazardous waste generator vs. intent to permanently dispose. SHWD recognizes Sinclair may have a program in place to screen or otherwise avoid unauthorized placement of hazardous wastes in the non-hazardous IWL. Given the occurrence of the violations, however, SHWD does not agree this program proved adequate. The enclosed NOV reflects these points and other conditions indicated since issuance of NOV 5222-13, including some clarification that the hazardous waste involved has the potential to spontaneously combust or otherwise be dangerously reactive upon exposure to air.

Sincerely,

Luke J. Esch  
Administrator  
Solid and Hazardous Waste Division  
And Industrial Siting Division

Enclosure: NOV

C: Charles Plymale, WDEQ Lander  
Bob Breuer, I&C Program Manager, WDEQ Casper  
Matt Bucholtz, WDEQ Cheyenne  
Tim Link, WDEQ Cheyenne → Cheyenne File



6116

Herschler Building • 122 West 25th Street • Cheyenne, WY 82002 • <http://deq.state.wy.us>

ADMIN/OUTREACH (307) 777-7758 FAX 777-7682	ABANDONED MINES (307) 777-6145 FAX 777-6462	AIR QUALITY (307) 777-7391 FAX 777-5616	INDUSTRIAL SITING (307) 777-7369 FAX 777-5973	LAND QUALITY (307) 777-7756 FAX 777-5864	SOLID & HAZ. WASTE (307) 777-7752 FAX 777-5973	WATER QUALITY (307) 777-7781 FAX 777-5973
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**BEFORE THE**  
**DEPARTMENT OF ENVIRONMENTAL QUALITY (WDEQ)**  
**STATE OF WYOMING**

IN THE MATTER OF THE  
NOTICE OF VIOLATION  
ISSUED TO:

SINCLAIR WYOMING REFINING CO. (file No. )	)
40.025)	)
100 E Lincoln Highway	) DOCKET NO. 5411-14
SINCLAIR, WY 82334	)
	)

**NOTICE OF VIOLATION**

NOTICE IS HEREBY GIVEN THAT:

1. A May 29, 2013 letter from Sinclair Wyoming Refining Company (SWRC) indicated that on or about April 26<sup>th</sup>, 2013, SWRC discovered approximately eight (8) unidentified drums. The May 29 letter further stated testing and internal inquiries indicated the drums contained spent hydrotreating catalyst (a regulated hazardous waste referenced as waste code K171) which was not properly labeled and dated and was stored without a permit longer than allowed by Wyoming Hazardous Waste Rules and Regulations (HWRR). Several communications in the form of phone calls and/or emails took place between SWRC representatives and Wyoming Department of Environmental Quality (WDEQ), Solid and Hazardous Waste Division (SHWD) representative, Mr. Charles Plymale, subsequent to the SWRC May 29, 2013 letter. These communications included SHWD obtaining additional details of the incident, discussion of applicable regulations and status of corrective actions needed. The May 29, 2013 SWRC letter, the associated SWRC activities and the subsequent communications indicate the violations outlined below.

**Count 1:** The generator stored the hazardous waste longer than the ninety (90) days allowed for temporary storage without a permit. [HWRR, Chapter 8, Section 3 (e)(i)]

**Count 2:** The generator did not clearly date the hazardous waste drums. [HWRR, Chapter 8, Section 3 (e)(i)(B)]

**Count 3:** The generator did not label/mark the hazardous waste drums with the wording "Hazardous Waste". [HWRR, Chapter 8, Section 3(e)(i)(C)]

**Count 4:** The generator did not inspect containers for leakage and corrosion at least weekly. [HWRR, Chapter 8, Section 3(e)(i)(A) with added references to more specific requirements in Chapter 11, Section 10(e)(i)]

2. On July 10, 2013, SWRC personnel discovered an additional and separate batch of approximately 9500 pounds of spent hydro treating catalyst (K171 hazardous waste) had been placed in the facility's industrial waste landfill #2 (IWL2) which is only supposed to accept certain non-hazardous wastes.
3. In a July 17, 2013 letter from SWRC, WDEQ/SHWD representative, Mr. Charles Plymale, received written notification of some of the details associated with the July 10, 2013 SWRC placement of hazardous waste in the non-hazardous IWL2. Again, several communications in the form of phone calls and/or emails took place between SWRC representatives and WDEQ/SHWD representative, Mr. Charles Plymale subsequent to the July 17, 2013 SWRC letter. These communications again included SHWD obtaining additional details of the incident, discussion of applicable regulations and status of corrective actions needed. The July 17, 2013 SWRC letter, the associated SWRC activities, and the subsequent communications which also indicated the K171 waste had the potential for spontaneous combustion, lead to the additional violations outlined below.

**Count 5:** The facility is not being maintained and operated to prevent fires, explosions, and sudden and non-sudden releases of HW to air, soil or surface water that could impact human health and





the environment. [Chapter 8, Section 3(e)(i)(D) with reference to HWRR, Chapter 11, Section 5(b)]

**Count 6:** The owner/operator did not notify the Director and appropriate state and local authorities that the facility is in compliance with HWRR, Chapter 11, Section 6(g)(viii) before operations are resumed. [HWRR, Chapter 8, Section 3(e)(i)(D); Chapter 11, Section 6(g)(ix)]

**Count 7:** Regulated hazardous waste was placed in or otherwise inadvertently accepted without adequate authorization or control measures on the part of SWRC at the non-hazardous IWL2 when the unit was not authorized to receive, store or in any manner allow such hazardous waste to be placed into the unit. [SWRR, Chapter 3, Section 5(f)]

4. On September 23, 2013, SHWD representative, Mr. Charles Plymale inspected SWRC to assure all the K171 initially mishandled was managed in accordance with HWRR, correction of the above violations and to assess other aspects of SWRC compliance on that date with Wyoming SWRR and HWRR. It was noted these incidents of initial mismanagement of hazardous waste resulted in the generation of over 440,000 lbs. of hazardous waste and associated contaminated soils. The SHWD representative discussed and made confirming observations related to the status of previous violations documented in SWRC observations of April 26, 2013 and SWRC letters dated May 29, 2013 and July 17, 2013.
5. On March 27, 2014, the SHWD confirmed the spent hydrotreating catalyst (K171 hazardous waste) has or could exhibit pyrophoric, spontaneous combustion/smoldering or otherwise reactive characteristics given such wastes, in WDEQ's experience, have exhibited such characteristics in the past. Confirmation of this characteristic or property for the mismanaged hazardous waste further affirms WDEQ's enforcement actions and the exacerbated risks these violations posed to SWRC employees, contractors and the environment.
6. ANY PERSON who violates any provision of the Environmental Quality Act, or any rules, standard, permit, license, or variance adopted thereunder is liable to a penalty of ten thousand dollars (\$10,000) for each day of violation, which penalty may be recovered in a civil action brought by the Attorney General in the name of the People of the State of Wyoming; and
7. THIS NOTICE OF VIOLATION is being sent to you pursuant to Wyoming Statute 35-11-701(c) which requires that in any case of the failure to correct or remedy an alleged violation, the Director of the Department of Environmental Quality shall cause a written notice to be issued and served upon the person alleged to be responsible.

Signed this 27th day of MAY, 2014



Luke J. Esch  
Administrator  
Solid and Hazardous Waste Division and  
Industrial Siting Division



Todd Parfitt  
Director  
Department of Environmental Quality